

# EXHIBIT 5




Beth M. Frenchman-Gellman  
D: 212.906.3334  
bfrenchman@gibney.com

September 14, 2022

By email: [sales@watchstyler.com](mailto:sales@watchstyler.com)  
and  
Express Mail:  
Mr. Vladislav Slootsky  
WatchStyler, Inc.  
3285-B Richmond Ave. #120  
Staten Island, New York 10312

**Re: Sales of Counterfeit and Non-Genuine Rolex Watch Parts**

Dear Mr. Slootsky:

This firm is general counsel to Rolex Watch U.S.A., Inc. (“Rolex”). Rolex is the owner of the world-famous and federally registered trademarks: ROLEX,  (“CROWN DESIGN”), SUBMARINER, OYSTER PERPETUAL, DATEJUST, COSMOGRAPH, and DAYTONA, among numerous others (hereinafter collectively referred to as the “Rolex Trademarks”).

We are writing in regard to your company, Watchstyler, Inc. doing business through the website [www.watchstyler.com](http://www.watchstyler.com) and social media accounts on Facebook and Twitter (hereafter collectively referred to as the “Website”). Your Website advertises, offers for sale and sells, among other things, dials for various models of Rolex watches. Rolex has examined the dials you are offering for sale and selling, and has determined that these dials are not the genuine products of Rolex and bear counterfeit copies of one or more of the Rolex Trademarks. This type of conduct constitutes trademark infringement and, specifically, trademark counterfeiting in violation of federal law.

In addition, through your Website you are advertising, offering for sale and selling replacement bezels, bands and cases all exclusively designed and intended to fit various models of Rolex watches. These parts are also not the genuine products of Rolex (hereafter “non-genuine parts”). Although these non-genuine parts as shown on the Website bear no markings, once they are placed on a watch bearing the Rolex Trademarks and placed into commerce, they are likely to cause consumer confusion, mistake or deception as to the source of these watches and watch parts. Like the counterfeit dials you offer for sale, your sale of these non-genuine parts to jewelers/consumers allows and induces them to create and put into commerce altered and/or counterfeit Rolex watches. These acts by you also constitute trademark infringement, specifically contributory trademark infringement.

Rolex has successfully litigated matters in which the defendant has altered used Rolex watches in the same way your Website encourages jewelers/consumers to do—including offering dials with reprinted Rolex Trademarks and using replacement bezels and cases, and/or replacing the watch band. Rolex has been successful in these cases in obtaining monetary damages, injunctive relief, attorneys’



fees and costs. *See, e.g., Rolex Watch U.S.A., Inc. v. Watch Empire LLC, et al.*, Case No. CV-13-09221-SJO (C.D. Cal.) (issued permanent injunction and monetary award of \$5,103,600); *Rolex Watch U.S.A., Inc. v. Agarwal, et al.*, Case No. CV-12-06400-FMO (C.D. Cal.) (issued permanent injunction and monetary award of \$8,500,000); and *Rolex Watch U.S.A., Inc. v. LSM Watch, Inc., et al.*, Case No. CV 21-1612 PSG (C.D. Cal.) (issued permanent injunction and monetary award of \$12,000,000, plus \$243,600 in attorneys' fees).

The Ninth Circuit Court of Appeals has decisively ruled that it is a misnomer to identify a watch that has been manipulated by the replacement of the dial, bezel and/or bracelet as a Rolex watch, even though there may be some genuine Rolex parts that remain. *See Rolex Watch U.S.A., Inc. v. Michel Co.*, 179 F.3d 704, 709 (9<sup>th</sup> Cir. 1998) (finding that defendant's watches were counterfeit, the Court determined that "...the alterations that [defendant] makes to used Rolex watches he sells....result in a new product, although one containing a Rolex movement and casing.").

Although you are not selling the complete watch, there is only one purpose for your non-genuine parts—to be inserted onto a watch bearing the Rolex Trademarks. Your non-genuine parts have no other use but to aide or induce others to create altered/counterfeit Rolex watches. You even acknowledge within your legal disclaimer on your Website that the application of non-genuine parts "create[s] a new product which by no means can be considered an AUTHENTIC ROLEX WATCH."

The acts described herein, including your sale of counterfeit Rolex watch dials and non-genuine parts for placement onto a watch bearing the Rolex Trademarks, are likely to cause consumer confusion, mistake or deception in violation of federal law. *See* 15 U.S.C. §§ 1114 and 1125(a). The penalties for the knowing use of Rolex Trademarks in a manner likely to cause confusion or mistake are severe, especially when such use intends to trade on the famous reputation of the registrant. Penalties for unauthorized, infringing and counterfeit use of the Rolex Trademarks may include injunctive relief, actual damages, treble damages, statutory damages of up to \$2,000,000 for each trademark that has been counterfeited, profits, costs and attorneys' fees. *See* 15 U.S.C. §1117.

In order to take the first steps in attempting to resolve this matter quickly, Rolex requests that you or your counsel contact the undersigned, and confirm in writing that you will immediately remove from your Website and agree to cease from advertising, offering for sale and/or selling counterfeit Rolex dials and non-genuine cases and bezels to fit Rolex watches. We also insist that any counterfeit dials, if in your possession, remain in your possession so that Rolex may arrange for the examination and possible confiscation of such counterfeit products.

We also request that you provide us with information regarding your sales of these parts, specifically invoices reflecting the sale of your dials, bezels and cases over the past three years.

Please provide us with your written response by no later than **October 3, 2022**.

This letter also constitutes notice requiring that you and WatchStyler, Inc. preserve and hold all documents, electronic data (including emails), physical goods, and any other evidence relevant to any of the activities Rolex has raised herein. Should you destroy any such materials, you may be subject to



significant monetary and evidentiary penalties in a lawsuit that Rolex may file against you if the parties are unable to resolve this matter quickly.

Nothing contained herein is intended by us, nor should it be construed by you, as a waiver or relinquishment of any rights or remedies that Rolex may have in the matter, all of which rights and remedies are hereby expressly reserved.

Sincerely,

A handwritten signature in blue ink, appearing to read "Beth Frenchman".

Beth Frenchman

cc:

Brian Brokate

Jeffrey Dupler

Maja Szumarska

Nicollette Alvarez



Beth M. Frenchman-Gellman  
D: 212.906.3334  
bfrenchman@gibney.com

October 18, 2022

By email: [sales@watchstyler.com](mailto:sales@watchstyler.com), [vlad.slootsky@watchstyler.com](mailto:vlad.slootsky@watchstyler.com)  
And by Federal Express:

Mr. Vladislav Slootsky  
WatchStyler, Inc.  
3285-B Richmond Ave. #120  
Staten Island, New York 10312

Mr. Vladislav Slootsky  
WatchStyler, Inc.  
3033 Grove Way, #A11  
Castro Valley, CA 94546

Mr. Vladislav Slootsky  
37 Galveston Loop  
Staten Island, NY 10314

**Re: Sales of Counterfeit and Non-Genuine Rolex Watch Parts**

Dear Mr. Slootsky:

As you should know from our letter of September 14, this firm is general counsel to Rolex Watch U.S.A., Inc. ("Rolex"). We are attaching a copy of our prior letter herewith.


On September 14, we wrote to you asking that Watchstyler, Inc. doing business through the website [www.watchstyler.com](http://www.watchstyler.com) and on social media accounts on Facebook and Twitter (hereafter collectively referred to as the "Website") cease from offering for sale and selling counterfeit Rolex dials and replacement watch cases and bezels for Rolex watches.

Similarly, as stated in our letter, we purchased and examined your dials and determined that they are not the genuine products of Rolex and bear counterfeit copies of one or more of the Rolex Trademarks.

We note that as of today, despite our prior letter notifying you of your illicit activities, you continue to offer for sale and sell on your Website the products which are the subject of our September 14 letter.

As previously explained, your sale of counterfeit Rolex watch dials and non-genuine parts for placement onto a watch bearing the Rolex Trademarks, are likely to cause consumer confusion, mistake or deception in violation of federal law. See 15 U.S.C. §§ 1114 and 1125(a). Should we be



required to, we may seek statutory damages of up to \$2,000,000 for each trademark used and copied onto your illicit products, including the ROLEX,  ("CROWN DESIGN"), SUBMARINER, OYSTER PERPETUAL, DATEJUST, COSMOGRAPH, DAYTONA and any other registered mark you have used on your counterfeit dials. *See* 15 U.S.C. §1117.

To avoid further action taken by Rolex we require that either you or your counsel contact the undersigned. And, that you and Watchstyler, Inc. immediately cease its sales of counterfeit Rolex dials and non-genuine replacement cases and bezels for Rolex watches.

Nothing contained herein is intended by us, nor should it be construed by you, as a waiver or relinquishment of any rights or remedies that Rolex may have in the matter, all of which rights and remedies are hereby expressly reserved.

Sincerely,

A handwritten signature in blue ink, appearing to read "Beth Frenchman".

Beth Frenchman

cc: Brian Brokate  
Jeffrey Dupler  
Maja Szumarska  
Nicollette Alvarez



Beth M. Frenchman-Gellman  
D: 212.906.3334  
bfrenchman@gibney.com

March 6, 2023

By email: [sales@watchstyler.com](mailto:sales@watchstyler.com), [vlad.slootsky@watchstyler.com](mailto:vlad.slootsky@watchstyler.com)  
And by Federal Express:

Mr. Vladislav Slootsky  
WatchStyler, Inc.  
3285-B Richmond Ave. #120  
Staten Island, New York 10312


Mr. Vladislav Slootsky  
37 Galveston Loop  
Staten Island, NY 10314

**Re: Reservation of Rights/Sales of Counterfeit and Non-Genuine Rolex Watch Parts**

Dear Mr. Slootsky:

We have now contacted you twice, by letters dated 9/14/22 and 10/18/22, regarding your sale of counterfeit Rolex dials and other non-genuine replacement parts for Rolex watches that you are offering for sale on your website [www.watchstyler.com](http://www.watchstyler.com) and on social media accounts on Facebook and Twitter (hereafter collectively referred to as the "Website").

To date, you have not removed these materials from your Website and you continue to offer and sell these illicit goods.

As previously explained, your sale of counterfeit Rolex watch dials and non-genuine parts for placement onto a watch bearing the Rolex Trademarks, are likely to cause consumer confusion, mistake or deception in violation of federal law. *See* 15 U.S.C. §§ 1114 and 1125(a). Should we be required to, we may seek statutory damages of up to \$2,000,000 for each trademark used and copied onto your illicit products, including the ROLEX,  ("CROWN DESIGN"), SUBMARINER, OYSTER PERPETUAL, DATEJUST, COSMOGRAPH, DAYTONA and any other registered mark you have used on your counterfeit dials. *See* 15 U.S.C. §1117.

We continue to demand that you immediately cease sales of counterfeit Rolex dials and non-genuine replacement cases and bezels for Rolex watches and ask that either you or your counsel contact the undersigned.

Please be advised that Rolex continues to object to your conduct and Rolex having not filed a lawsuit against you and Watchstyler, Inc. to date should not be construed by you, as a waiver or



relinquishment of any rights or remedies that Rolex may have in the matter, all of which rights and remedies are hereby expressly reserved.

Sincerely,

A handwritten signature in blue ink, appearing to read "Beth Frenchman", written over a light gray rectangular background.

Beth Frenchman

cc: Brian Brokate  
Jeffrey Dupler  
Maja Szumarska  
Nicollette Alvarez